

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

TAN PHAM, )  
Plaintiff, )  
v. ) Civil Action No.: 1:21-cv-10859  
THE NATIONAL RAILROAD )  
RAILROAD PASSENGER )  
CORPORATION, )  
Defendant. )

---

**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446(a)**

Now comes the defendant, National Railroad Passenger Corporation (Amtrak), and by and through its attorneys, the Law Offices of John J. Bonistalli, and pursuant to Title 28 U.S.C. §1446(a), respectfully seeks removal of the above-captioned matter from Suffolk Superior Court in Boston, Massachusetts to the jurisdiction of this Honorable Federal Court, District of Massachusetts in Boston. As grounds therefore, Amtrak states:

1. This action was commenced by the filing of a Complaint and Civil Action Cover sheet on December 23, 2021, in the superior court of Suffolk County. (Ex. 1). On February 16, 2021, the plaintiff filed a notice of amendment as a matter of right and her first amended complaint. (Ex. 2). On March 24, 2021, the plaintiff filed a motion to extend time for service on the defendant by 60 days which was allowed by the superior court on April 5, 2021. (Ex. 3). Amtrak was formally served with process on May 19, 2021. (Ex. 4).
2. Plaintiff alleges in her complaint as amended that on or about December 1, 2019, while she was a passenger on board an Amtrak train traveling from Richmond Virginia to

Boston, she slipped and fell on water leaking into the vestibule. (Ex. 2, Amended Complaint ¶¶ 3-7).

3. Removal of this action is proper because an act of Congress, 49 U.S.C. § 24101, *et seq.*, created Amtrak and more than one half of its capital stock is owned by the United States. 49 U.S.C. § 24101; 28 U.S.C. § 1349 and is one which may be removed to this court by the defendant pursuant to Title 28 U.S.C. § 1441.
4. Amtrak has paid the appropriate filing removal fee to the Clerk's Office.
5. Notice of Removal has been served on all parties via first class mail this day and a copy has also been mailed to the Suffolk Superior Courthouse's Civil Clerk's Office.

WHEREFORE, the defendant, National Railroad Passenger Corporation respectfully requests that the action now pending against it in Suffolk Superior Court be removed therefrom to this Honorable Court.

Respectfully Submitted,  
Defendant,

National Railroad Passenger Corporation,  
By Its Attorneys,

Dated: 5/24/21

  
John J. Bonistalli, Esq., BBO# 049120  
Jennifer M. Lee, Esq., BBO# 677949  
Law Offices of John J. Bonistalli  
160 Federal Street, 15<sup>th</sup> Floor  
Boston, MA 02110  
617-737-1771  
[john.bonistalli@bonistallilaw.com](mailto:john.bonistalli@bonistallilaw.com)  
[jennifer.lee@bonistallilaw.com](mailto:jennifer.lee@bonistallilaw.com)

**CERTIFICATE OF SERVICE**

I, Jennifer Lee, attorney for the defendant, Amtrak hereby certify that a true copy of the foregoing document was sent via first class mail, postage prepaid, this 24<sup>th</sup> day of May, 2021 to:

William T. Kennedy, Esq.  
Christine M. McPhee, Esq.  
Law Offices of William T. Kennedy, P.C.  
21 McGrath Highway, Suite 404  
Quincy, MA 02169

*Jennifer M. Lee*  
\_\_\_\_\_  
Jennifer M. Lee